

Arrest on Out-of-District Offense

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

2008 MAR -6 PM 12:42

ARREST ON OUT-OF-DISTRICT OFFENSE *for*

'08 MJ 07 17

Magistrate Case Number: 2:07MJ188

The person charged as John Thero now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Eastern District of Virginia with Probation Violation in violation of 18 USC 3606 (Misdemeanor)

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 3/6/08



Don M. Allie
(Name)
Deputy United States Marshal

Reviewed and Approved:

Dated: 3/6/08


Assistant United States Attorney

AO 442 (Rev. 5/93) Warrant for Arrest

UNITED STATES DISTRICT COURT

EASTERN

District of

VIRGINIA (Norfolk Division)

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

Case

2:07mj188

John A. Thero

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED

John A. Thero
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court Violation XX Probation Violation Petition
charging him or her
with

(brief description of offense)

Original Charge: Driving While Under The Influence of Alcohol

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT

BY

DEPUTY CLERK

F. Bradford Stillman

Name of Issuing Officer

Signature - Cristi Dodge, Deputy Clerk

United States Magistrate Judge

Title of Issuing Officer

Date and Location

January 24, 2008 Norfolk, VA

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant

DATE RECEIVED

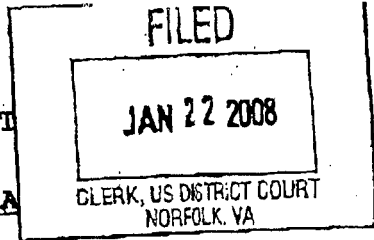
NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

Tab 12
(Mod. For E.VA 07/07)

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF VIRGINIA



U.S.A. vs. John A. Thero

Docket No. 2:07MJ188

Petition on Probation

COMES NOW Ronald P. Ehlers, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of John A. Thero, who was placed on supervision by The Honorable F. Bradford Stillman sitting in the Court at Norfolk, Virginia, on the 9th day of March, 2007, who fixed the period of supervision at ONE (1) YEAR, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

See Page 2.

* Supervision began on March 9, 2007.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:
See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a warrant to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

Bond Recommendation: Detention

3960

ORDER OF COURT

Considered and ordered this 22nd day of January, 2008 and ordered filed and made a part of the records in the above case.

F. Bradford Stillman
United States Magistrate Judge

I declare under penalty of perjury that the foregoing is true and correct.

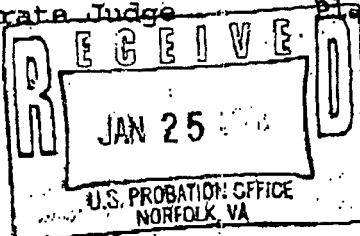
Executed on 1-8-08

Ronald P. Ehlers
U.S. Probation Officer
Place Norfolk, Virginia

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT

BY Cristi Adey
DEPUTY CLERK

TO CLERK'S OFFICE



02/13/2008 8:14AM (GMT-08:00)

FEB-20-2008 WED 02:51 PM US PROBATION

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 RE: THERO, John Allen

OFFENSE: Driving While Under the Influence of Alcohol, in violation of 18 U.S.C. 7 & 13, assimilating Code of Virginia 18.2-266 & 18.2-270, a Class A Misdemeanor.

SENTENCE: The defendant is hereby placed on probation for a term of ONE (1) YEAR. The defendant shall pay a \$25 special assessment and \$250 fine.

SPECIAL CONDITIONS:

1. The defendant is prohibited from operating a motor vehicle for a period of one year.
2. The defendant is directed to participate in an alcohol education/treatment program as directed by the Probation Office.

ADJUSTMENT TO SUPERVISION:

Thero began his term of probation on March 9, 2007. He reported to the probation office on March 9, 2007, at which time the Conditions of Probation were fully explained. During this office visit, Thero advised that he was to be discharged from the U.S. Navy and requested to relocate to the San Diego, California, area to reside with his parents. On April 4, 2007, Thero paid the \$25 special assessment and the \$250 fine in full. On April 9, 2007, Thero reported to the U.S. Probation Office, San Diego, California, to commence supervision in their district. On May 10, 2007, the U.S. Probation Office, San Diego, California, accepted Thero's Transfer of Probation.

On May 18, 2007, Thero was arrested for Public Intoxication; however, no charges were filed against him. On June 4, 2007, Thero was arrested in Imperial Beach, San Diego County, California, for Battery; however, no charges were filed against him. On August 2, 2007, a Violation Report was submitted to the Court regarding the above-mentioned offenses.

VIOLATIONS: The following violations are submitted for the Court's consideration.

MANDATORY CONDITION: COMMISSION OF A CRIME - DRIVING UNDER THE INFLUENCE OF ALCOHOL; HIT AND RUN.

On December 4, 2007, Thero was arrested by the San Diego Police Department, San Diego, California for Driving Under the Influence of Alcohol and Hit and Run. These matters are scheduled to be heard before the Superior Court of California, South Bay Division, on January 15, 2008. According to information provided by the probation officer supervising Thero, San Diego police responded to a Hit and Run call at a residence in San Diego, California. The officer located the suspect vehicle a short distance from the collision. When the officer arrived, the vehicle was locked and secured

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by the driver and there was no damage to the locks or the ignition to indicate it may have been stolen. Thero was the registered owner of the vehicle. When the officer went to Thero's residence, Thero's mother informed that he was at his girlfriend's residence. While speaking with Thero's mother, San Diego Police Department radio dispatch alerted that Thero was calling in to report his vehicle had been stolen and that he was at his girlfriend's residence to file the report. The officer then went to the reported address and contacted Thero.

Witnesses reported that the driver of the vehicle had fled the scene in a white Ford Mustang being driven by a female driver. San Diego police went to Thero's girlfriend's home and found the white Ford Mustang parked at the home. San Diego police interviewed Thero. Thero denied any knowledge of a hit and run and claimed that his vehicle had been stolen. San Diego police observed the strong odor of alcohol on Thero's breath. Thero's eyes were bloodshot and he swayed in a circular motion as he stood and talked. Witnesses arrived at the location and identified Thero as the driver of the vehicle involved in the collision. Thero was arrested by San Diego police for Hit and Run and an Alcosensor test was performed on Thero. This test yielded results of 0.16 percent and 0.14 percent blood alcohol content. Thero was arrested for Driving Under the Influence of Alcohol.

On December 6, 2007, Thero reported to the U.S. Probation Office, San Diego, California, to discuss his arrest. Thero reported that on December 2, 2007, his girlfriend went to the hospital due to pre-term labor and was discharged on December 3, 2007. Thero expressed that he had been stressed due to her pregnancy and their financial situation. On December 4, 2007, Thero bought a bottle of Jack Daniels and began drinking at 9:00 p.m. Later that night, Thero decided to return movies to a Blockbuster video store. When he was returning home, Thero lost control of his car causing his front tire to blow out. Thero ran over a curb and hit a residential fence. Thero got scared, left the scene, and drove his vehicle a short distance away. After parking the vehicle, Thero called his girlfriend to drive him home. When he arrived at her residence, Thero called police to report his vehicle stolen. When police arrived, they informed him that there were witnesses who saw Thero leave the scene of the accident.

SPECIAL CONDITION: FAILURE TO ABIDE BY THE COURT-ORDERED DRIVING PROHIBITION.

On March 9, 2007, the Court ordered that Thero not operate a motor vehicle for a period of one year. On March 9, 2007, Thero was directed by the U.S. Probation Office not to operate a motor vehicle for a period of one year. On December 4, 2007, Thero was arrested by the San Diego Police Department for Driving Under the Influence of Alcohol and Hit and Run. On December 6, 2007, Thero admitted to the U.S. probation officer supervising him in San Diego, California, that he drove a vehicle on December 4, 2007.

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SPECIAL CONDITION: FAILURE TO PARTICIPATE IN ALCOHOL
EDUCATION/TREATMENT PROGRAM.

Thero has been involved in group substance abuse counseling since August 9, 2007; however, he failed to participate in counseling on August 23, 2007; September 6, 2007; September 13, 2007; September 20, 2007; October 11, 2007; October 25, 2007; November 15, 2007; and December 5, 2007. Thero has attributed his missed counseling sessions to returning home late from work. According to the U.S. probation officer supervising Thero, Thero has attended approximately two AA meetings per week and has provided verification of same to the probation officer.

CONDITION 7: EXCESSIVE USE OF ALCOHOL.

On December 4, 2007, Thero consumed alcohol to excess as verified by AlcoSensor readings of 0.16 percent and 0.14 percent BAC conducted by the San Diego Police Department, San Diego, California.

RPE/scv

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